

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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COOK LOGISTICS, LLC,  
a Wisconsin limited liability company,  
individually and as assignee of HITEC  
POWER PROTECTION, INC.,

Plaintiff,

v.

Case No. 2:19-cv-1620

EQUIPMENT EXPRESS, INC.,  
a Canadian corporation,

Defendant.

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**COOK LOGISTICS, LLC'S RESPONSE TO DEFENDANT'S AMENDED MOTION  
FOR EXTENSION OF TIME TO FILE ANSWER**

NOW COMES Plaintiff, COOK LOGISTICS, LLC ("COOK"), by and through its counsel, Blich Westley Barrette, and, in response to Defendant's Motion for Extension of Time to File its Answer, states as follows:

1. EEI filed its Amended Motion for Extension of Time to Answer in this matter on August 20, 2020. (Docket No. 21).
2. Plaintiff's counsel initially believed that Defendant's Motion – filed just eight (8) days prior to the deadline it was intending to extend – was filed pursuant to the Expedited Non-Dispositive Motion rules contained in Local Rule 7(h). As a result, Plaintiff's counsel was disinclined to file a formal response, thinking Plaintiff's lack of consent to the extension sufficiently provided the Court with Plaintiff's position on the Motion.

3. On September 2, 2020, having received no order regarding the Motion nor any answer to the complaint on August 28, 2020, Plaintiff's counsel reached out to Defendant's counsel, who indicated that it was Defendant's counsel's belief that the Court was awaiting a response from Plaintiff pursuant to Local Rule 7(b).<sup>1</sup>

4. Plaintiff did not consent to the motion for extension of time because Plaintiff does not believe that Defendant has stated good cause for such an extension. Plaintiff filed its Complaint in this matter on November 4, 2019. (Docket No. 1). Although Defendant initially filed a motion to dismiss, that motion was denied by an order entered on July 23, 2020 and Defendant was given over five weeks at that time to answer the Complaint. (Docket No. 19). Defendant has not provided any reason explaining why it has been unable to draft and file an answer within that time period.

5. Regarding the parties' recent attempts at settlement, the parties are currently so far apart that there is no reason, in Plaintiff's opinion, to continue to delay this matter solely for purposes of pursuing settlement.

WHEREFORE, Plaintiff, COOK LOGISTICS, LLC, hereby requests this Honorable Court enter an Order denying Defendant's Motion for an Extension of Time, ordering Defendant to file its Answer immediately, and/or granting Plaintiff such other relief as this Court deems just and appropriate.

Dated: September 2, 2020

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<sup>1</sup> The reason Plaintiff's counsel believed that the expedited procedures of L.R. 7(h) would apply to a motion for extension of time filed so close in time to the deadline, as application of the L.R. 7(b) and (c) deadlines would result in a *de facto* granting of the motion.

Respectfully submitted,

/s/ Ryan A. Mahoney

RYAN A. MAHONEY, ESQ.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on September 2, 2020, a true and correct copy of the foregoing was filed with the Clerk of Court via the CM/ECF System, causing a Notice of Electronic Filing to be sent to all counsel of record.

/s/ Ryan A. Mahoney

RYAN A. MAHONEY, ESQ.